REMARKS

Claims 58-97 and 104 stand examined and are rejected on various grounds. Claims 58, 60, 75 and 79-82 have been amended, claims 59, 61-64, 67 and 98-103 have been canceled, and claims 105-114 have been added. Consequently, the claims pending after entry of this amendment are 58, 60, 65, 66, 68-97 and 104-114. The claim objections and rejections are addressed in the appropriate sections below. Nothing in the current amendments is to be construed as a dedication of the subject matter not presently claimed to the public.

The subject matter of amended claim 58 finds support in original claim 59 and, e.g., page 6 lines 4-13. The specification describes the subject matter of new claims 105-107 at e.g. page 28 lines 25-29, page 36 lines 17-19, and original claim 38. The specification describes the subject matter of new claims 108-112 at e.g. page 20 line 13 – page 21 line 15. The specification describes the subject matter of new claim 113 at e.g. page 21 line 27 – page 22 line 9 and page 16 lines 9-11. The specification describes the subject matter of new claim 114 at e.g. page 35 lines 14-23. The amendments and new claims add no new matter.

In view of the preceding amendments and the remarks made herein, the present application is believed to be in condition for allowance.

Summary of telephonic interview of December 15, 2004

Applicants' representative extends great thanks to the Examiner and the Examiner's supervisor, Mr. M. Wityshyn, for their courtesies extended and especially for their time spent in the telephonic interview during the holiday season. No agreement was reached on the patentability of the claims, in which claim rejections based on 35 U.S.C. Sec. 103(a), the standard for a finding of prima facie obviousness, certain of the claims, and the references were discussed. The Examiner maintained that sufficient motivation to combine the references existed because Groeger et al. and Samejima provided alternative designs that were within the realm of one of ordinary skill in the field. Mr. Wityshyn voiced no opinion due to a lack of time to review the references and rejections

prior to the telephonic interview but indicated he would review the present response and arguments upon their submission.

Rejection Under 35 U.S.C. §103

Claims 58-73, 75-78, 81-85, 87-97 and 104 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over WO 96/40857 to Hei ("Hei WO") or U.S. Patent No. 6,544,727 to Hei ("Hei 727") or U.S. Patent No. 6,319,662 to Foley et al. or U.S. Patent No.6,228,995 to Lee in view of U.S. Patent No. 5,605,746 to Groeger et al. and U.S. Patent No. 4,160,059 to Samejima. Applicants respectfully traverse.

Claim 58 has been amended to explicitly specify that the matrix which immobilizes the adsorbent particles of the claimed system comprises a sintered matrix formed from polymeric particulate material to clarify that the word "sinter" has its ordinary meaning. It appears from statements in the Office Action that the Office has equated a sintered material with a structure that results from securing porous adsorbent particles to fibers by e.g. softening an outer layer of a low melt-point polymer on the fibers in contact with porous adsorbent particles so that porous adsorbent particles stick to the fibers. They are different products.

A sintered matrix has the character of a porous mass as is formed by heating polymer particles (not a web of intertangled or overlapping fibers) to fuse the particles together to form a cohesive yet porous mass. The ordinary meaning of "sintering" is to fuse particulate material together, not to glue fibers of a fibrous mass one to another. The attached definition from Oxford English Dictionary indicates that sintering is "of particles or particulate material: to coalesce into a solid mass under the influence of heat without liquefaction.... b. trans. To cause to coalesce in this way." A sintered medium in which adsorbent particles are immobilized thus differs from a web of fibers to which adsorbent particles adhere.

In order to render claims obvious, references when combined must provide each feature of the claimed subject matter. None of the references suggests that the system is to be configured utilizing a matrix formed of sintered polymeric particulate material. Since none of the references

discloses a sintered matrix, the subject matter of claim 58 cannot be rendered obvious, and therefore claim 58 and claims dependent thereon are patentable over the cited references.

Claim 74 stands rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over the references as applied to claims 58-73, 75-78, 81-85, 87-97, and 104 above, and further in view of Davankov et al. (5,773,384). Claims 79 and 80 stand rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over the references as applied to claims 58-73, 75-78, 81-85, 87-97, and 104 above, and further in view of Horowitz et al. (6,294,361). Claim 86 stands rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over the references as applied to claims 58-73, 75-78, 81-85, 87-97, and 104 above, and further in view of Wollowitz et al. (5,593,823). Applicants submit that these claims are patentable over the cited art for the reasons discussed above for claim 58.

Claims 58-97 and 104 stand provisionally rejected under 35 U.S.C. Sec. 103(a) as being obvious over copending U.S. Ser. No. 10/051,976 or 09/872,384 in view of Groeger et al. and Samejima.

Applicants traverse for the reasons discussed above for claim 58. Neither 10/051,976 nor 09/872,384 suggests that the adsorbent particles are to be immobilized within a sintered polymeric material in the claimed system and method. Applicants consequently respectfully request withdrawal of the provisional rejection.

Double Patenting Rejections

Claims 58-97 and 104 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting to claims 53-110 of copending U.S. Application Serial No. 09/972,323 in view of Foley et al. or Lee or Hei (WO) or ('727).

Claims 58-97 and 104 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 53-115 of copending U.S. Application Serial No. 10/011,202 in view of Foley et al. or Lee or Hei (WO) or ('727).

Applicants note the provisional nature of these rejections and submit that they will address the foregoing rejections once the claims are determined to be otherwise patentable over the cited references.

Claims 58-97 and 104 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-24 and 27-54 of copending U.S. Application Serial No. 10/051,976 or claims 1-24 of copending Application Serial No. 09/872,384 in view of Groeger et al. and Samejima, and "if necessary" in further view of Hei (WO) or ('727).

Applicants traverse on the basis that nothing in the claims of U.S. Ser. No. 10/051,976 or 09/872,384 or in Groeger et al., Samejima, Hei (WO), or Hei ('727) suggests that the adsorbent particles are to be immobilized within a sintered polymeric material in the claimed system and method. Applicants consequently respectfully request withdrawal of the provisional rejection.

Claims 58-97 and 104 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1-47 of U.S. patent no. 6,544,727 in view of Groeger et al. and Samejima, and "if necessary" in further view of Hei (WO).

Applicants traverse on the basis that nothing in the claims of U.S. Pat. No. 6,544,727 or in Groeger et al., Samejima, or Hei (WO) suggests that the adsorbent particles are to be immobilized within a sintered polymeric material in an adsorbent system or in a method. Applicants consequently respectfully request withdrawal of the provisional rejection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 28217-2000404. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 29, 2004

Respectfully submitted,

By _____

Charles D. Holland
Registration No.: 35,196
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5832